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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,683	06/24/2005	Ole Klembt Andersen	NL 021497	8987

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

RICHARDSON, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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4178

MAIL DATE	DELIVERY MODE
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01/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/540,683	Applicant(s) ANDERSEN ET AL.	
	Examiner Christopher J. Richardson	Art Unit 4178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/24/05, 10/10/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jutte (US 2002/0060975) in view of Hendriks (US 2002/0118427).

Regarding Claim 1, Jutte teaches an optical disc drive comprising rotating means, defining a rotating axis for an optical disc (well-known in the art), and optical scanning means, for scanning said optical disc with a light beam (page 1 paragraph 1), said optical scanning means themselves comprising at least:

- a first light source, for producing said first light beam (Fig 1 element 1);

- focusing means, applied to said light beam and provided between said first light source and a focusing point on an information layer on said first disc having a first cover layer (Fig 1 element 14);

- an optical detector provided for receiving a first backward beam reflected from said information layer of said first disc (Fig 1 element 23);

- a second light source for producing a second light beam also transmitted to said focusing means and for measuring tilt from the position, on said optical detector, of a second spot corresponding to a second backward beam obtained after reflection of said second light beam on said information layer of said first disc (Fig 1 element 31);

Jutte does not teach said optical disc drive further comprising, between said focusing point and said optical detector, a diffractive structure provided with diffracting elements for substantially refocusing the returning second beam onto the detector.

Hendriks does teach said optical disc drive further comprising, between said focusing point and said optical detector, a diffractive structure provided with diffracting elements for substantially refocusing the returning second beam onto the detector (Fig 1 element 11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Jutte with Hendricks for the purpose of reading various types of optical discs.

Regarding Claim 2, Hendriks is silent in which said diffractive structure is attached to one surface of a servo-lens positioned just before said optical detector.

However, the location of the diffractive structure is a design choice as the location of the diffractive structure is irrelevant as it still solves the same problem. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to try and attach the diffractive structure to one surface of a servo-lens positioned just before said optical detector for the purpose of reading various types of optical discs.

Regarding Claim 3, Hendriks further teaches in which said diffractive structure is attached to one surface of an objective lens used as focusing means (Fig 1 elements 10 and 11).

Regarding Claim 4, Hendriks is silent in which said diffractive structure is attached to a separate plate.

However, the location of the diffractive structure is a design choice as the location of the diffractive structure is irrelevant as it still solves the same problem. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to try and attach the diffractive structure to a separate plate for the purpose of reading various types of optical discs.

Regarding Claim 5, Hendriks further teaches in which said diffractive structure consists of a series of ring-shaped prisms (Fig 2b).

Regarding Claim 6, Hendriks further teaches in which the diffractive structure is approximated by a step-wise structure (Fig 3b).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Richardson whose telephone number is 571-270-3439. The examiner can normally be reached on M-F, alternate Fridays off, 7:30-5:00 est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hai Tran can be reached on 571-272-7305. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

C.J.R.
12/17/2007

/Hai Tran/
Supervisory Patent Examiner, Art Unit 4178

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